IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 43 OF 2005

IN

SUIT NO.2040 OF 2004

...

Mulchand S. Shah ...Plaintiff

v/s.

Kantilal B. Gungaliya ...Defendant

...

Mr.Sanjay Jain with Mr.S.B.Gore i/b Legal Juris for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 27TH JANUARY,2006

P.C.:

This Notice of Motion is taken out by the Plaintiff. The learned Counsel appearing for the Plaintiff states that the defendant has been served. He has filed affidavit of service.

Appearance on behalf of the Defendant has been filed, but none appears for the Defendant. On previous occasion also none appears from the Defendant. Defendant has also not filed any reply. In the absence of any reply, accepting the averments made in the affidavit filed in support of the Notice of Motion at their face value, motion is granted in terms of prayer clause (a).

Six weeks time is granted for furnishing the security. In case the security is not furnished, the motion will also stand granted in terms of prayer clause (b).

Till the security is furnished and/or till the prayer clause (b) comes into operation, ad-interim order in terms of prayer clause (c) shall operate.

Motion disposed of.

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